

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DISH NETWORK L.L.C.,

Plaintiff,

V.

MOHAMED OMAR,
HOSSAM ABD ELGHANY, and
MOUSTAFA MAATOUK, individually
and together d/b/a Universe IPTV;
Universe TV; World-Universeiptv.com;
Uni-Update.com; and Uni-Web.online,

Defendants.

Civil Action No. 4:20-cv-02958

PLAINTIFF DISH NETWORK L.L.C.'S APPLICATION FOR CLERK'S ENTRY OF DEFAULT AGAINST DEFENDANT MOUSTAFA MAATOUK

Pursuant to Federal Rule of Civil Procedure 55(a), Plaintiff DISH Network L.L.C. (“DISH”) respectfully requests that the Clerk enter default against Defendant Moustafa Maatouk (“Maatouk”) with regard to the allegations in DISH’s First Amended Complaint (Dkt. 10).

Maatouk is a resident of Germany. (Dkt. 10 ¶ 6.) Germany is a party to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents (the “Hague Service Convention”). *See generally Status Table*, Hague Service Convention (June 17, 2021), <https://www.hcch.net/en/instruments/conventions/status-table/?cid=17> (listing member States). As such, Maatouk was to be served through the Hague Service Convention. The Central Authority of Germany provided confirmation that Maatouk was served pursuant to the Hague Service Convention with the summons, First Amended Complaint, Order for Conference (Dkt. 9), and Judge Sim Lake’s Courtroom Procedures on April 17, 2021. (Dkt. 18.) Service in this manner was proper under Fed. R. Civ. P. 4(f)(1).

Maatouk's responsive pleading was due 21 days later on May 10, 2021. See Fed. R. Civ. P. 12(a)(1)(A)(i). To date, Maatouk has not filed an answer or other responsive pleading or

requested additional time to do so. (Ferguson Decl. ¶ 3.) Maatouk is not a minor, incompetent, or exempt under the Servicemembers' Civil Relief Act. Fed. R. Civ. P. 55(b)(2); (Ferguson Decl. ¶¶ 4-6, Ex. 1 (must be at least 18 years old to open a PayPal account and use the PayPal services); Dkt. 10 ¶¶ 1-2, 6, 8, 15-17, 21-25, 28-33, 35-55 (Resident of Germany and copyright infringement).) Accordingly, the Clerk should enter default against Maatouk.

Dated: July 20, 2021

Respectfully submitted,

HAGAN NOLL & BOYLE LLC

By: /s/ Stephen M. Ferguson

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